

Bureau of Water
General Information on Public Hearings
For National Pollutant Discharge Elimination System (NPDES)
and State Land Application (SLA) Permits

Purpose

This brochure is designed to explain the events that take place before, during, and after a public hearing and what can and cannot occur at a public hearing.

Notifying the public

The Department of Health and Environmental Control is required by law to place all National Pollutant Discharge Elimination System (NPDES) and State Land Application (SLA) permits on public notice. The purpose of public notice is to give you, the public, an opportunity to comment on any proposed permit. All comments should be made in writing and addressed to the person mentioned in the public notice. These comments can be in the form of a letter or a petition with names on it. They must contain legible names and addresses in order to receive future correspondence.

DHEC may hold a public hearing when there is sufficient interest in a proposed permit and a public hearing is requested. If a public hearing is held, DHEC must notify the public of the scheduled hearing, usually by means of an advertisement in a local newspaper, at least thirty (30) days prior to the hearing date. Everyone who sent letters or signed petitions with a legible name and address will receive a copy of the hearing notice.

The notice of the public hearing contains such information as the name of the permit applicant, location and time of hearing, and the closing date for comments on the proposed permit. The notice also includes the rules to be used at the hearing. DHEC normally holds public hearings at 7:00 p.m. on a week night in the area of the proposed permit.

When DHEC places a proposed permit on public notice and/or holds a public hearing, it does not mean that a final decision has been made about the issuance of the permit. DHEC does not make a final decision until after the public hearing has been held and the comment period has expired.

Prior to the public hearing

Before attending a public hearing, DHEC encourages you to visit the appropriate DHEC Environmental Quality Control district office or the Columbia office to review the file on the proposed permit or request any other pertinent information. DHEC staff will be willing to explain the proposed permit to you during this time. By becoming familiar with the information in advance, you will be better prepared to present your comments concerning the permit in question. DHEC encourages you to write down your comments and concerns prior to the actual hearing.

Please note that DHEC is not involved in zoning or land use issues as these are local issues. You should contact your local municipal or county officials concerning these issues. Zoning and land use are not subjects for an NPDES or SLA hearing.

What actually happens at a public hearing?

The hearing is not designed to be a question and answer period; rather, it offers the public a chance to express its concerns and comments regarding the proposed permit. At the hearing, both oral and written comments will be accepted. A court reporter will be at the hearing to record the hearing.

Upon your arrival at the hearing you will be asked to sign in and indicate whether you wish to make a comment during the hearing. At the start of the hearing, the hearing officer will explain the hearing format. Next, DHEC will briefly explain the proposed permit. Then, all parties who indicated they wanted to make comments will be individually called upon by the hearing officer to give their comments.

Only the hearing officer will be allowed to ask questions. After all comments are heard, the hearing officer will give an explanation of the administrative process DHEC will follow to reach a final decision on the proposed permit. The hearing officer may summarize the hearing and address any issues that arose during the presentation of comments. The hearing officer will then close the hearing.

Several days after the hearing, DHEC will receive a transcript of the hearing from the court reporter. The transcript will be available for review and a copy can be provided for a fee, but it must be requested.

The results are in ...

DHEC will review all comments received during the hearing as well as comments made up until the end of the comment period. Once the review is completed, DHEC will arrive at the final determination, which can be one of three alternatives:

1. **Issue the permit as drafted;**
2. **Issue the permit with modifications based on comments received before, during, or after the public hearing; or,**
3. **Deny the permit.**

All persons who signed the register at the hearing along with those who submitted comments and petitions will receive a copy of the final decision. Final decisions can be appealed. Please see the brochure entitled "General Information on Appeals for NPDES Permits and State Land Application Permits" for more information on appeals. This brochure is normally mailed out with the final decision.

For more information

To get information on public hearings, contact:

NPDES/SLA Permit Administration
SCDHEC
2600 Bull Street
Columbia, SC 29201
Telephone # (803) 898-4300

To obtain copies of proposed permits and other related information, contact:

Freedom of Information Administrator
SCDHEC
Freedom of Information Office
2600 Bull Street
Columbia, SC 29201
Telephone # (803) 898-3882.